UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,940	03/30/2004	William I. Chang	M-15350 US	7479

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EXAMINER
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ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MN

	Application No.	**Applicant(s)**
Office Action Summary	10/813,940	CHANG, WILLIAM I.
	Examiner	**Art Unit**	
	Cory C. Bell	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2007*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) *3-7 and 16-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,8-15 and 21-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-2, 8-15, and 21-26 have been examined.

2.   Claims 3-7, and 16-20 have been withdrawn from consideration in light of applicant's

election.

Response to Arguments

Applicant's arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 1,2,8-15 and 21-26 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The independent claims contain the phrase "from time to time," which is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

Claims 1-2, 8-10, 14-15, and 21-23 are rejected under 35 U.S.C. 103(a) as being obvious

over "A Distributed Event Logging System" published 12/03/2001, known hereafter as Jaiswal,

in view of "NetLogger: A Toolkit for Distributed System Performance Analysis" published in

July 1998, known hereafter as Gunter and xntpd(1Mtcp), published in 1999, known hereafter as

xntpd.

3.   Claims 1 and 14 are rejected for the following reasons:

Jaiswal teaches:

1. A distributed system comprising: <u>a plurality of cooperative processes running on a plurality of</u>

<u>processors of a computer network to accomplish a distributed transaction,</u>(Page 1 para 2) <u>each</u>

<u>process logging in a local resource records of execution; and a search engine running on each of</u>

<u>the plurality of processors,</u>(Section 5 para 2) <u>each search engine retrieving corresponding records</u>

<u>of execution in response to a query</u>(Section 6).

Jaiswal Fails to expressly disclose:

<u>a system synchronizer sending a timing message to be logged from time to time to the plurality</u>

<u>of cooperative processes;</u>

However, this limitation would have been obvious in view of Gunter which uses NTP and xntpd

to synchronize the time of all of the servers in a distributed processing system, and xntpd which

teaches the logging of the periodic timing messages received by servers as part of the xntpd

daemon used (monitoring option).

 Gunter:

2.1 Clock Synchronization: NTP

To analyze a network-based system using timestamps, the clocks of all systems involved must be synchronized. This can be achieved by using the Network Time Protocol (NTP) [10]. By installing a GPS-based NTP server on each subnet of the distributed system, and running the *xntpd* daemon on each host, all host clocks can be synchronized to within about 0.25 ms of each other. It has been our experience that most application-significant events can be accurately characterized by timestamps that are accurate to about 1 ms, well within NTP's tolerances. If the closest time source is several IP router hops away, NTP accuracy will be somewhat less, but probably still accurate enough for many types of analysis. The NTP web site[2] has a list of public NTP servers that one may be able to connect and synchronize with.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include these features, as they provide more accurate timing to provide more accurate analysis.

4. Claims 2 and 15 are rejected for the following reasons:

2. A distributed system as in claim 1, wherein the query is issued to the processors as a distributed query.(Section 6)

5. Claims 8 and 21 are rejected for the following reasons:

8. A distributed system as in claim 1, wherein the query is issued from a client which merges the results received from search engines responding to the query. (Section 6, Paras 2 and 4)

6.   Claims 9 and 22 are rejected for the following reasons

9. A distributed system as in claim 8, wherein the client applies program rules on the merged

results to determine correct operation of the distributed system. (Section 1 para 2)

7.   Claims 10 and 23 are rejected for the following reasons:

10. A distributed system as in claim 1, wherein each search engine generates indices to the

records of execution.(Section 4)

        Claims 11-12 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jaiswel in view of "NetLogger: A Toolkit for Distributed System Performance Analysis"

published in July 1998, known hereafter as Gunter and xntpd(1Mtcp), published in 1999, known

hereafter as xntpd in view of US 6647517 files Apr. 27, 2000, known hereafter as Dickey.

Claims 11-12, and 24-25 are rejected as Jaiswel teaches periodically backing up log files and

stating a new file in section 4 para 2, however Jaiswel fails to teach how the logs are stored.

Dickey col 2 lines 1-14 teaches storing initially in memory, Col 5 lines 31-39 teaches offloading

to a disk storage. Thus it would have been obvious to one of ordinary skill in the art at the time

of the invention to include these features, as using memory is fast, and using disk memory for

old or backup data is cheaper.

Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaiswel in view

of US 6647517 files Apr. 27, 2000, known hereafter as Dickey in further view of US 6330570,

filed Feb 26, 1999 known hereafter as Crighton or US 6,618,822 filed Jan 3, 2000 known

hereafter as Loaiza.

Jaiswel and Dickey teach the claims upon which claims 13 and 26 are dependent, but fail to

expressly disclose the merger of the indices in memory and in the disk storage. This is taught in

Crighton Col 6 lines 40-48 which teaches an append type backup, by appending in this manner

would cause the current file (the one stored in memory in this case) to be appended (and thus

merged with) to the backup cope(the indices on the disk) Thus, it would have been obvious to

one of ordinary skill in the art at the time of the invention to add this feature do to the advantage

of providing a backup contains all previous log data) In the alternative, Loaiza also teaches this

limitation as it teaches querying ranges of time in col 16 lines 1-14, thus in the instance were the

range included both to backup and the current file the two would be merged as query results are

merged as discussed in claim 8. Thus it would have been obvious to one of ordinary skill in the

art at the time of the invention to include this feature to provide the advantage of narrowing the

search to a date range.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The

examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SAM RIMELL
PRIMARY EXAMINER